



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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STATE WATER CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO TOWN OF LAWRENCEVILLE, VIRGINIA FOR

LAWRENCEVILLE WASTEWATER TREATMENT PLANT VPDES Permit No. VA0020354

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the Town of Lawrenceville regarding the Lawrenceville Wastewater Treatment Plant for the purpose of resolving certain violations of the State Water Control Law, the Regulation and the Permit.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10.
6. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:
 - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
7. "DMR" means Discharge Monitoring Report and "eDMR" means an electronic Discharge Monitoring Report.
8. "Effluent" means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
9. "Facility," "Plant" or "WWTP" means the Lawrenceville Wastewater Treatment Plant located at 380 Meadow Lane, Lawrenceville, Virginia, which treats and discharges treated sewage and other municipal wastes for the residents and businesses of Lawrenceville.
10. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
12. "Permit" means VPDES Permit No. VA0020354, which was re-issued on September 1, 2020 under the State Water Control Law and the Regulation, and expires on August 31, 2025.
13. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
14. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of

animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are “pollution.” Va. Code § 62.1-44.3.

15. “PRO” means the Piedmont Regional Office of DEQ, located in Glean Allen, Virginia.
16. “Regulation” means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
17. “State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
18. “State waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
19. “Town of Lawrenceville” or “Lawrenceville” is a political subdivision of the Commonwealth of Virginia that is the subject of the enforcement action. Lawrenceville is a “person” with the meaning of Va. Code § 62.1-44. 3.
20. “Va. Code” means the Code of Virginia (1950), as amended.
21. “VAC” means the Virginia Administrative Code.
22. “VPDES” means Virginia Pollutant Discharge Elimination System.

SECTION C: Findings of Fact and Conclusions of Law

1. Lawrenceville owns and operates the WWTP. The Permit allows Lawrenceville to discharge treated sewage and other municipal wastes from the Facility in strict compliance with the terms and conditions of the Permit.
2. The receiving stream is Roses Creek – Chowan and Dismal Swamp (Chowan River Sub-basin). During the 2020 305(b)/303(d) Integrated Water Quality Assessment, Roses Creek was assessed as a Category 2C waterbody, meaning waters have attained the use(s) for which they were originally 303(d) listed and the Total Maximum Daily Load (“TMDL”) was approved by the U.S. Environmental Protection Agency (“EPA”). Other applicable use(s) were not monitored and assessed. The Recreation Use, Aquatic Life Use, and Wildlife Use are fully supporting. Fish Consumption Use was not assessed. The WWTP was addressed in the Roses Creek Watershed Bacterial TMDL, which was

approved by EPA on July 6, 2024 and the State Water Control Board on December 2, 2004. The WWTP was assigned an E. coli waste load allocation of 4.18E+12 cfu/year. The WWTP's outfall is located near the mouth of Roses Creek and the discharge was most recently modeled in 2018. The effluent limits were established to protect Roses Creek and Great Creek as Tier 1 waters, and to protect the downstream Meherrin River as a Tier 2 water.

3. The receiving water is a surface water located wholly within the Commonwealth and is a "state water" under State Water Control Law.
4. In submitting eDMRs, Lawrenceville indicated that it exceeded discharge limits contained in Part I.A.1 of the Permit as provided in Table 1 below.
5. Lawrenceville submitted eDMRs to DEQ indicating exceedance of permitted effluent limits at Outfall 001 for the months provided in Table 1 below.

TABLE 1		Monitoring Period					
Parameter	May 2021	June 2021	July 2021	August 2021	September 2021	October 2021	Requirement*
760 TKN avg. conc. (mg/L)	-	-	-	-	-	-	3.0
760 TKN max. conc. (mg/L)	-	5.56	-	-	-	-	4.5
738 DO; May – December min. conc. (mg/L)	-	5.40	6.40	-	-	-	6.5

* Part I.A.1 of the Permit contains conditions that enumerate the identified limits.

Va. Code § 62.1-44.5(A) states "[e]xcept in compliance with a certificate or permit issued by the Board or other entity authorized by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; 2. Excavate in a wetland; 3. Otherwise alter the physical, chemical or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses . . ."

9 VAC 25-31-50(A) states "[e]xcept in compliance with a VPDES permit, or another permit, issued by the board, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses."

Part I.A.1 of the Permit (Table 1) contains effluent limitations and monitoring requirements, including monitoring frequencies that Lawrenceville is required to meet in the operation of the WWTP.

6. Lawrenceville submitted notification to DEQ of the following stormwater sewer overflow (“SSO”) events. Each of the SSO events is a result of storm event volume exceeding collection system capacity, system power failure and/or equipment malfunction.
 - a. Lawrenceville notified DEQ on April 1, 2021 of an SSO resulting in discharge of 2,500 to 5,000 gallons of solids occurring on March 31, 2021.
 - b. Lawrenceville notified DEQ on June 21, 2021 of an SSO resulting in discharge of 800,000 gallons of solids and partially treated wastewater occurring on June 20-21, 2021.
 - c. Lawrenceville notified DEQ on August 31, 2021 of an SSO resulting in discharge of 332,109 gallons of process water occurring on August 27-30, 2021.
 - d. Lawrenceville notified DEQ on September 25, 2021 of an SSO resulting in discharge of 6,500 gallons of untreated sewage occurring on September 22-23, 2021.

Va. Code § 62.1-44.5(A) and 9 VAC 25-31-50(A) *supra*.

Permit Part II.F. states, “Except in compliance with this permit, or another permit issued by the Board, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances; or 2. Otherwise alter the physical, chemical or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption, or for recreation, or for other uses.”

7. Lawrenceville submitted correspondence to DEQ dated May 12, 2021 indicating that samples collected on May 5, 2021 for cBOD5 and TKN were collected as a 3-1/2 hour composite sample rather than a 24-hour composite sample. Correspondence to DEQ dated June 9, 2021 indicates that on May 27 and May 28, 2021 samples for cBOD5 and TKN were collected as grab samples rather than 24-hour composite samples due to malfunctioning sampler refrigeration. Correspondence to DEQ dated July 28, 2021 indicates that on June 9, 11, 15, 22, 23, 28, 29, 30, and July 1, 2, 5, 6, 7, 2021, samples for cBOD5 and TKN were collected as grab samples rather than 24-hour composite samples.

Part I.A.1 of the Permit requires a 24-hour composite sample method for cBOD5 and TKN.

8. Lawrenceville notified DEQ by phone and in correspondence submitted with an eDMR for the April 2021 monitoring period that cloth filters were by-passed from April 1, 2021 until April 15, 2021 during which time Unit No. 1 was inoperable as a result of a broken

level-sensing instrument. The level-sensing pressure transducer was replaced April 15th 2021. Correspondence to DEQ submitted with an eDMR for the May 2021 monitoring period reported that cloth filters were by-passed from May 19, 2021 until May 27, 2021 while Lawrenceville scheduled routine maintenance for the units. The cloth filters were washed and disinfected on May 26th 2021. Correspondence to DEQ on June 25th 2021 reported that cloth filters were bypassed from June 21-June 22, 2021 due to discharge caused by equipment malfunction.

Permit Part II.U states in relevant part, "'Bypass' means the intentional diversion of waste streams from any portion of a treatment facility. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.U.2 and U.3. . . If the permittee knows in advance of the need for a bypass, prior notice shall be submitted, if possible at least ten days before the date of the bypass. . . . The permittee shall submit notice of an unanticipated bypass as required in Part II I. 3 . . . Bypass is prohibited, and the Board may take enforcement action against a permittee for bypass, unless: (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance . . ."

9. NOV No. W2021-080-P-001 was issued on August 6, 2021 based on the information provided above.
10. Beginning in September 2021, DEQ staff engaged in regular correspondence, as well as site visits and discussions with Lawrenceville staff and elected officials. The discussions focused on root causes of non-compliance along with strategies to achieve durable, cost effective compliance.
11. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute.
12. The Department has issued no permits or certificates to Lawrenceville other than VPDES Permit No. VA0020354.
13. Based on the results of the described reporting, the Board concludes that Lawrenceville violated Va. Code § 62.1-44.5(A); 9 VAC 25-31-50(A); the Permit and effluent limits as described above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15(8a) and (8d), the Board orders Lawrenceville, and Lawrenceville agrees to:

1. Pay a civil charge of **\$16,030** within 30 days of the effective date of the Order in settlement of the violations cited in this Order

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Lawrenceville shall include its Federal Employer Identification Number (FEIN) with the civil charge payment **and** shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Lawrenceville shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Lawrenceville for good cause shown, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Lawrenceville admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Lawrenceville consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Lawrenceville declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by Lawrenceville to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Lawrenceville shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Lawrenceville shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Lawrenceville shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

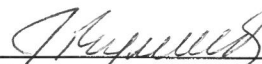
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Lawrenceville. Nevertheless, Lawrenceville agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Lawrenceville has completed all of the requirements of the Order;

- b. Lawrenceville petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Lawrenceville.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Lawrenceville from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by Lawrenceville and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. The undersigned representative of Lawrenceville certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Lawrenceville to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Lawrenceville.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, Lawrenceville voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 24th day of June, 2022.


James J. Golden, Regional Director
Department of Environmental Quality

delegated authority on 03242022.

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Town of Lawrenceville voluntarily agrees to the issuance of this Order.

Date: 4/21/2022 By: *Guetha L. Lott*, Town Manager
Signing Official Title

Commonwealth of Virginia
City/County of Brunswick

The foregoing document was signed and acknowledged before me this 21st day of
April, 2022, by Everette Gibson who is
Town Manager of the Town of Lawrenceville.

[Signature]
Notary Public

7561898
Registration No.

My commission expires: 6/30/2025

Notary Seal

